

**WATER ALLOCATION PROGRAM DEVELOPMENT  
OUT-OF-BASIN TRANSFER COMMITTEE**

**MINUTES OF MEETING**

July 9, 2003

**Members Present:**

Kevin Cute  
Julia Forgue  
Jeff Hershberger  
Herb Johnston  
Alisa Richardson

**Water Resources Board Staff:**

Kathleen Crawley  
Connie McGreavy

**Members Absent:**

Ken Burke  
Paul Corina  
Mike Covellone  
John Dubis  
Stan Knox  
Pam Marchand  
Henry Meyer  
Denise Poyer  
Ed Szymanski  
John Torgan

**Guests:** None

**I. CALL TO ORDER**

Kevin Cute called the meeting to order at 1:45PM.

**II. APPROVAL OF MINUTES**

Mr. Cute suggested revisions to the April meeting minutes (Pg. 2, Item IV) regarding Special Area Management Plans (SAMPs) He indicated that SAMPs for Aquidneck Island and Greenwich Bay are only in the design stage. Also on Pg. 2, Ms. Crawley wished to eliminate a sentence referring to "carrying capacity". Ms. Richardson added that she felt the concept of carrying capacity was important. Ms. Forgue stated that water utilities look at water supply issues with the planning department in Newport. Ms. McGreavy stated that Bristol County Water Authority does not necessarily do water analysis for East Bay towns; developers do. Mr. Johnston reminded the group that the overall water allocation mission would require cooperation and overall planning by the state, by basin, irrespective of communities. Ms. McGreavy added that the Impact Analysis Committee supported that idea.

During discussion of the minutes, several related topics were raised. Mr. Johnston stated that stream flow will have a big impact on OOBt, and that the Water Resources Board (WRB) and the RI Dept. of Environmental Management (DEM) may need to review large subdivisions in terms of water and sewer OOBt. Mr. Cute added that RI Coastal Resources Management Council (CRMC) SAMPs address sewer expansions and OOBts. Mr. Hershberger stated that communities would need guidance regarding water availability and safe yield when assessing water/sewer capacity for developments. Ms. Forgue mentioned that Newport looks at population projections, and other factors as defined in the Water Supply System Management Plan (WSSMP) guidelines. Mr. Johnston reiterated that a basin planning approach is needed, beyond the district WSSMP.

Ms. Forgue added that water suppliers are supposed to talk to each other. Ms. McGreavy stated that the RI Dept. of Administration, Statewide Planning Division does a good job looking at adjoining districts when reviewing WSSMPs. Members agreed that groundwater is more of a problem than surface water. Mr. Meyer observed that in Kingston, when pump rates go up, then there is a negative effect on streams, indicating that something is not working. There are gaps in the system.

Mr. Johnston moved to accept the April minutes with agreed upon changes; the committee voted unanimously to approve them. Mr. Hershberger moved to approve the May meeting minutes, which was mainly a summary of a presentation by Michele Drury from the MA DEP. Ms. Richardson wished to clarify one or two points. Ms. Crawley offered to contact Ms. Drury for her input, and the committee accepted the May minutes on that basis. There were no June minutes provided for acceptance.

### **III. ITEMS FOR ACTION**

#### **A. AUGUST WAPAC Presentation**

##### **(1) Approve Definitions**

Mr. Johnston restated the definitions for basin and OOBT and added that if the committee is going to name basins, then he preferred the term, “accounting basin”. He stated that the definition of OOBT was identical to the one in the Regulated Riparian Model Water Code, with the exception of the word, “altitude”. It was important to develop criteria for what basins should be monitored, and that accounting basins should include groundwater reservoirs, as defined by the WRB. He added that maps were never published by the US Geological Survey (USGS) of major groundwater reservoirs. Ms. Crawley added that the Water Use & Availability Study areas differ from the USGS HUC (hydrologic unit code) designations. Mr. Hershberger brought up the issue of scale.

Mr. Johnston introduced the word, “conveyance” into the definition of OOBT. The group agreed to stick with the word, “transfer”. Ms. Richardson wished to clarify consumptive water uses such as evapotranspiration and including water that leaves the basin through sewers.

##### **(2) Approve Work Products**

- **GIS Map depicting OOBT in the Wood Pawcatuck**

Mr. Hershberger will make minor revisions to the map. Discussion ensued regarding how to quantify and graphically depict losses from irrigation (farms and lawns), evaporation and wastewater discharge to Narragansett Bay. Mr. Johnston said that the committee could use the studies or devise ratios using land cover. The USGS assumes 100% evaporative loss from turf farming. Mr. Johnston stated that it was important to clarify evaporative losses from manmade uses, not natural evapotranspiration.

- GIS Map depicting OOBT in the Blackstone  
Regarding the Blackstone, Mr. Johnston thought the USGS study was good and that the New England Water Use Data System (NEWUDS) had the ability to monitor inflow and outflow, even for small basins 20-40 square miles. The committee discussed various OOBT figures for the Blackstone, including what diagrams from the study might be good to include in the report.
- GIS Map generally depicting OOBT statewide  
Mr. Hershberger offered to try to devise a map using the data provided on a spreadsheet indicating which suppliers sell water and how much moves out of basins. The group acknowledged that there might not be enough time for this.

Ms. McGreavy reminded the committee that its mission was to develop “criteria” for OOBT. Ms. Crawley wondered whether the committee should define critical basins, noting that Massachusetts uses a designation of “stressed basins”. Some criteria would be water quality, quantity, habitat, etc. and these basins would need a higher level of scrutiny. She added that the Impact Analysis Committee did a map using certain environmental criteria to determine critical basins. Ms. McGreavy noted that MA also has a designation of Areas of Critical Environmental Concern (ACEC), but these are not the same as stressed basins. Mr. Johnston did not feel it was necessary to define critical basins, because stream flow requirements would be a determining factor. It is important to maintain the biological, physical and chemical integrity of the water source for many reasons. Mr. Johnston added that water is a valuable resource for critical emergencies and that the Wood Pawcatuck has a large capacity to store water . info (25 mgd / can be pumped out of the upper Pawcatuck on a temporary basis.) He related that long ago, there was an idea to transport water from the Wood Pawcatuck to Newport. Ms. McGreavy added that some WRB members feel that there is enough water in Rhode Island, but Mr. Johnston felt strongly that there was not enough water for all uses, especially considering global warming. Mr. Hershberger stated that there are “surplus” basins and “deficit basins”. Mr. Johnston stated that water will be needed for emergencies and that the state should encourage interconnections, but discourage OOBT.

### (3) Presentation Format

The group discussed various slides for the presentation with Ms. Richardson and Mr. Hershberger offering to work on graphics.

### (4) Committee Presenters

Mr. Cote agreed to be the primary presenter.

## **B. Report Outline and Assignment of Report Sections to Committee Members**

The committee divvied up sections of the report according to the outline provided by Mr. Cote and Mr. Johnston.

## **IV. ITEMS FOR DISCUSSION**

### **A. Do We Need Regulation of OOBT in Rhode Island?**

Ms. McGreavy asked whether regulation of OOBT is needed. Mr. Johnston answered, no, but that laws could be written to allow DEM, the WRB and the RI Dept of Health (DOH) to manage water resources properly. He suggested that the MA criteria could be adopted for OOBT. Ms. McGreavy offered that the SAMP criteria could also be adopted statewide. Mr. Cute added that each agency could adopt “enforceable policies” consistent with one another. Ms. Richardson asked whether a new mechanism was needed to formally review projects together according to some criteria.

### **B. OOBT Criteria**

- (1) Who, What, When, Where, How?
- (2) Criteria for Water, Wastewater or a Combination
- (3) MA Interbasin Transfer Act as a Model
- (4) Regulated Riparian Model Water Code

In addressing the various categories above, discussion turned to the Massachusetts program. Mr. Hersherberger explained that once an OOBT project is proposed, an Environmental Notification Form is sent to other state agencies, the town and abutters. Then a project scoping meeting is set at the site; public involvement is provided for in this process. The MEPA Unit provides all comments back to the Developer who may then do an Environmental Impact Study. Mr. Cute noted that in Rhode Island, CRMC is last in the process. Ms. Richardson indicated that the DEM permit process begins in the Office of Customer Service, but applicants have often already spent money on approvals. The committee discussed whether criteria could be used in the subdivision review process at the local level, or whether state expertise was necessary. Some discussion ensued regarding training of local officials by URI and Grow Smart RI. Mr. Cute noted that the CRMC SAMP process provided for regional management.

Mr. Johnston suggested that water withdrawal permits were needed to regulate water use, especially in the Chipuxet River basin. He felt an overriding agency was needed to make water quantity determinations. He suggested that the Water Rights Committee could adopt provisions of the Code that consider stream flow, OOBT, impact, and water rights. The governance structure could be a coalition of agencies. The group agreed that the MA Interbasin Transfer Act is a deterrent, which may have negative, unintended consequences. There was consensus regarding the need to formally review projects together. Mr. Cute will find out the project threshold in SAMP areas for discussion at the next meeting.

### **C. Water Supply to Other States**

The committee did not expressly discuss this item; however, Ms. McGreavy stated that the Code did not provide for restricting the flow of water across state lines.

**V. OTHER BUSINESS**

**A. Input to Education Committee**

This item was deferred until next month.

**B. Next Meeting**

The August meeting will be held on the second Wednesday of the month.

**VI. AJOURNMENT**

The meeting was adjourned at 4:25 PM.

Respectfully submitted,

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Connie McGreavy  
RI Water Resources Board

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Date